

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

1

4. On February 4, 2009, both parties appeared for status. On that date, Complainant was granted an extension to April 8, 2009 to file a response to Respondent's motion to dismiss. The matter was again scheduled for status on May 6, 2009 at 10:00 a.m.
5. Complainant failed to file a response to Respondent's motion to dismiss on or before April 8, 2009.
6. On May 6, 2009, Respondent appeared for status and Complainant failed to appear.
7. As of the date of this Recommended Order and Decision, Complainant has failed to file a response to Respondent's motion to dismiss.

CONCLUSIONS OF LAW

1. Complainant's failure to appear at the May 6, 2009 status hearing and failure to file a response to Respondent's motion to dismiss have unreasonably delayed the proceedings in this matter.
2. In light of Complainant's apparent abandonment of his claim, this matter should be dismissed with prejudice.

DISCUSSION

Complainant, Thomas Gist, has taken absolutely no action to prosecute this matter since 2009. Although ordered to provide a response to Respondent's motion to dismiss, and despite being granted a fairly lengthy extension to do so, Complainant has failed to file a response with the Commission. Complainant, without explanation, also failed to appear at the May 6, 2009 status hearing. For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result of his abandonment of his claim before the Commission, it is most appropriate to recommend dismissal of his *Complaint of Civil Rights Violation* with prejudice. *Leonard and Solid Matter, Inc.*, IHRC, ALS No. 4942, August 25, 1992.

RECOMMENDATION

Based on the foregoing, it appears that Complainant has abandoned his claim before the Commission. Accordingly, it is recommended that the *Complaint of Civil Rights Violation*, ALS No. 08-0401, and the underlying charge, No. 2007CF3797, be dismissed with prejudice.

DATE: SEPTEMBER 21st, 2010

HUMAN RIGHTS COMMISSION

**MARIETTE LINDT
ADMINISTRATIVE LAW JUDGE
HUMAN RIGHTS COMMISSION**